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May 6, 2025

VIA ECF

Hon. P. Kevin Castel
United States District Judge, S.D.N.Y.
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Application
GRANTED.
SO ORDERED.
J. M. Watt
VSDJ
5-13-25

Lauren M. Azeka
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Re: ***Komar, et al. v. 3M Company, et al., No. 1:25-cv-03663 (S.D.N.Y.)***
Agreed Letter-Motion To Stay Responsive Pleadings

Dear Judge Castel:

Defendant 3M Company (“3M”), by and through its undersigned counsel, hereby moves for entry of an Order staying all responsive pleadings in this action until after the Judicial Panel on Multidistrict Litigation (“JPML”) issues a final determination on transferring this case to the *IN RE: Aqueous Film-Forming Foams (AFFF) Products Liability Litigation* multidistrict litigation (MDL No. 2873) (the “AFFF MDL”). Counsel for Plaintiffs and counsel for all Defendants concur in the requested relief. In support of this motion, 3M states as follows.

On February 17, 2025, Plaintiffs filed this action in the Supreme Court of the State of New York, New York County. ECF No. 1, Ex. B. On March 7, 2025, Plaintiffs filed their First Amended Complaint. ECF No. 1, Ex. A. On May 1, 2025, 3M removed this action to this Court. ECF No. 1. Pursuant to Fed. R. Civ. P. 81(c)(2), defendants that were served more than 21 days prior to 3M’s filing of the notice of removal must answer or otherwise respond to the complaint by 7 days after removal. Such defendants’ responsive pleading deadline thus is May 7, 2025. Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiffs are proposing to file a Second Amended Complaint containing express allegations about aqueous film-forming foam (“AFFF”).

Once Plaintiffs’ Second Amended Complaint is filed, 3M intends to promptly file a Notice of Potential Tag-Along Action with the JPML pursuant to JPML Rule 7.1(a) to seek transfer of this action to the AFFF MDL. 3M anticipates that the JPML Clerk will act on 3M’s Notice of Potential Tag-Along Action by issuing a Conditional Transfer Order (“CTO”) pursuant to JPML Rule 7.1(b), in which case this action will be transferred to the AFFF MDL if no party opposes transfer within 7 days after the CTO is issued pursuant to JPML Rule 7.1(c).

To conserve resources of the Parties and the Court, 3M requests that all responsive pleading deadline(s) for defendants who have been served in this action (or who may be served at least 21 days prior to the end of the requested stay) be stayed until 28 days following the effective date of a final determination by the JPML on transferring this action to the AFFF MDL. The requested stay applies only to deadlines to file responsive pleading, such as answers or motions to dismiss.

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Counsel for 3M has conferred with counsel for Plaintiffs regarding this motion, who has agreed to the relief requested. Counsel for 3M has also conferred with counsel for all defendants, who join in the requested relief.

Wherefore, 3M requests that all responsive pleading deadline(s) in this action be stayed until 28 days following the JPML's final determination on transferring this case to the AFFF MDL.

Respectfully submitted,

MAYER BROWN LLP

By: /s/ Lauren M. Azeka
Lauren M. Azeka

Counsel for Defendant 3M Company

cc: Counsel of Record (by ECF)